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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,444	11/20/2006	David Neil Slatter	200300535-2	2302

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HEWLETT-PACKARD COMPANY  
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EXAMINER
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WILSON, BRIAN P

ART UNIT	PAPER NUMBER
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2612

NOTIFICATION DATE	DELIVERY MODE
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10/07/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/573,444	<b>Applicant(s)</b> SLATTER ET AL.	
	<b>Examiner</b> Brian Wilson	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 43-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/24/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Status***

1. Claims 1-21, and 43-48 are currently pending.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 43-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 43 recites the limitation "*the active portion*" in line 6. There is insufficient antecedent basis for this limitation in the claim. Claims 44-48, are also indefinite being dependent on base claim 43.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-8, 10, 12, 16, 18, 20, 43-45, and 47-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuda (JP 09-034638).

Regarding claim 1, Matsuda discloses a method of transferring data from a memory tag (met by Fig. 1; 4 & [0021] note, storage parts) to another device (met by [0001] note, two or

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more units), using a memory tag reader (met by Fig. 1; 2), wherein the other device has an active portion which can detect the presence and position of the memory tag reader when brought adjacent to it (met by Fig. 1; 3), the method comprising the steps of bringing the memory tag reader adjacent to the memory tag (met by Abstract); uploading the data into the memory tag reader (met by Abstract); moving the memory tag reader adjacent to the active portion of the other device into a position which identifies the location to which the data is to be transferred (met by Abstract & [0001]), and downloading the data from the memory tag reader into that location in the other device (met by Abstract & [0001]).

Regarding claim 4, the claim is interpreted and rejected as claim 1.

Regarding claim 5, the claim is interpreted and rejected as claim 1.

Regarding claim 6, the claim is interpreted and rejected as claim 1.

Regarding claim 7, the claim is interpreted and rejected as claim 1.

Regarding claim 8, Matsuda further discloses a PDA (met by [0004]).

Regarding claim 10, the claim is interpreted and rejected as claim 1.

Regarding claim 12, the claim is interpreted and rejected as claim 1.

Regarding claim 16, the claim is interpreted and rejected as claim 1.

Regarding claim 17, Matsuda further discloses copy/paste buttons (met by Fig. 10; 107, 108 & [0048]).

Regarding claim 18, the claim is interpreted and rejected as claim 1.

Regarding claim 19, the claim is interpreted and rejected as claim 1.

Regarding claim 20, the claim is interpreted and rejected as claim 8.

Regarding claim 43, the claim is interpreted and rejected as claim 1.

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Regarding claim 44, the claim is interpreted and rejected as claim 1.

Regarding claim 45, the claim is interpreted and rejected as claim 1.

Regarding claim 47, the claim is interpreted and rejected as claim 1.

Regarding claim 48, Matsuda further discloses switches (met by Fig. 10; 107, 108 & [0048]).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda (JP 09-034638) in view of Mushell (U.S. Patent 5,442,348).

Regarding claim 2, Matsuda does not specifically disclose that *data is automatically uploaded from the memory tag when the memory tag reader is brought adjacent to the memory tag*.

Mushell teaches that *data is automatically uploaded from the memory tag when the memory tag reader is brought adjacent to the memory tag* (met by Col. 12, lines 49-54). It is obvious to automatically transfer data between two separate devices when they are adjacent to one another.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Mushell's features into Matsuda's system. This provides the user the

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ability to easily transfer data between two separate devices using touch.

Regarding claim 15, Matsuda does not specifically disclose that *data is automatically downloaded from the memory tag reader/writer when the memory tag reader/writer is brought adjacent to the memory tag*.

Mushell teaches that *data is automatically downloaded from the memory tag reader/writer when the memory tag reader/writer is brought adjacent to the memory tag* (met by Col. 12, lines 57-59). It is obvious to automatically transfer data between two separate devices when they are adjacent to one another.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Mushell's features into Matsuda's system. This provides the user the ability to easily transfer data between two separate devices using touch.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda (JP 09-034638) in view of Mulla (U.S. Patent 6,119,944).

Regarding claim 3, Matsuda does not specifically disclose that *data is automatically downloaded from the memory tag reader when the memory tag reader is brought into the position adjacent to the active portion of the other device*.

Mulla teaches that *data is automatically downloaded from the memory tag reader when the memory tag reader is brought into the position adjacent to the active portion of the other device* (met by Fig. 7A; 90, 156, 150). It is obvious to transmit data from one device to another when the devices are adjacent to each other.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to incorporate Mulla's features into Matsuda's system. This provides a convenient way to transfer data between two separate devices.

9. Claims 9, 21, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda (JP 09-034638) in view of Mault (U.S. Pub 2002/0047867).

Regarding claim 9, Matsuda does not specifically disclose *an inductively powered transponder*.

Mault teaches an *inductively powered transponder* (met by [0083]). It is obvious to use inductively powered transponders as memory tags.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Mault's features into Matsuda's system. Inductively powered transponders provide a simple and easy way to store information that don't require batteries.

Regarding claim 21, the claim is interpreted and rejected as claim 9.

Regarding claim 46, the claim is interpreted and rejected as claim 9.

10. Claims 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda (JP 09-034638) in view of Eichstaedt (U.S. Patent 6,563,494).

Regarding claim 11, Matsuda does not specifically disclose identifying data to be transferred by *dragging* the memory tag reader/writer across the active portion of the other device.

Eichstaedt teaches identifying data to be transferred by *dragging* a memory tag reader/writer across an active portion of a device (met by Col. 5, lines 39-45). It is obvious to

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drag memory tag reader/writers across the active portions of devices to identify transferable data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Eichstaedt's features into Matsuda's system. This provides a simple way for a user to identify data they desire to transfer to another device.

Regarding claim 13, the claim is interpreted and rejected as claim 11.

Regarding claim 14, the claim is interpreted and rejected as claim 11.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herrin (U.S. Patent 4,012,716) discloses a system for interpreting a coded record. Bans (U.S. Patent 4,750,151) discloses an apparatus for selectively retrieving stored information in response to touching a display panel. Ronkka (U.S. Patent 6,002,387) discloses a system for transferring data between a pointer and a display interface. Curkendall (U.S. Patent 6,346,885) discloses an apparatus for livestock data collection. Rekimoto (U.S. Patent 6,795,060) discloses an input/output system using a stylus and RFIDs. Norris (U.S. Patent 7,110,576) discloses a system for authenticating a mailpiece sender. Jurisch (U.S. Patent 7,456,826) discloses a touchscreen-sensitive and transponder reading stylus.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Wilson whose telephone number is 571-270-5884. The examiner can normally be reached on Monday-Thursday from 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's



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supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BPW/

/Daniel Wu/  
Supervisory Patent Examiner, Art Unit 2612